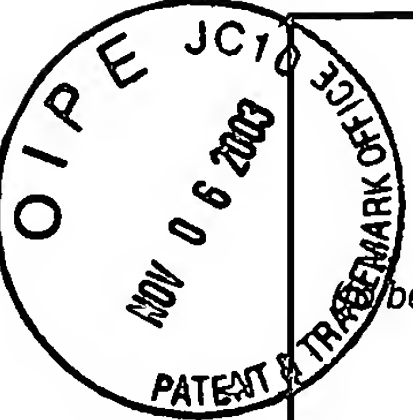


TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

	Application Number	10/660,884	
	Filing Date	September 12, 2003	
	First Named Inventor	Rowe, Robert K	
	Art Unit	Not yet assigned	
	Examiner Name	Not yet assigned	
Total Number of Pages in This Submission		Attorney Docket Number	020204-001410US

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard, copies of five (5) cited references
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Townsend and Townsend and Crew LLP	
	Patrick M. Boucher	Reg. No. 44,037
Signature	<i>Patrick M. Boucher</i>	
Date	2003 November 4	

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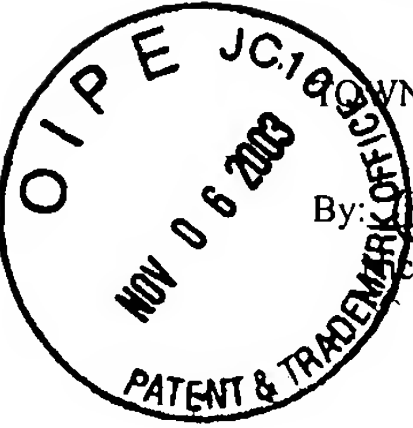
PATENT
Attorney Docket No.: 020204-001410US

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On NOV 4, 2003

TOWNSEND and TOWNSEND and CREW LLP

By: Michael M. Wartell
Michael M. Wartell



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert K. Rowe et al.

Application No.: 10/660,884

Filed: September 12, 2003

For: APPARATUS AND METHOD FOR
IDENTIFICATION OF INDIVIDUALS
BY NEAR-INFRARED SPECTRUM

Examiner: Not yet known

Art Unit:

INFORMATION DISCLOSURE
STATEMENT UNDER 37 CFR §1.97 and
§1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. This application is a continuation of and relies upon U.S. Patent Application No. 09/415,594 for an earlier effective filing date under 35 U.S.C. §120. In accordance with 37 CFR. §1.98(d), copies of those references that have been previously submitted to or cited by the Office in the parent application are not enclosed. In addition, U.S. patents which have not been previously submitted to or cited by the Office are not enclosed in accordance with the Patent Office waiver issued August 5, 2003 in the Official Gazette, which states as follows:

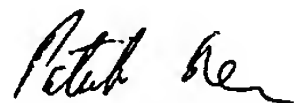
The Office hereby waives the requirement under 37 CFR §1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC §371 after June 30, 2003. See 37 CFR §1.491(b).

In accordance with 37 CFR §1.98(a)(2), copies of foreign patent references B8-B12, which have not been previously cited, are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,


Patrick M. Boucher
Reg. No. 44,037

TOWNSEND and TOWNSEND and CREW LLP
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San Francisco, California 94111-3834
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60073687 v1

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Page 1 of 9

Complete if Known

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Art Unit	
Examiner Name	Not yet known
Attorney Docket Number	020204-001410US

U.S. PATENT DOCUMENTS

Examiner	Cite No. ¹	Document Number Number Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	A1	US-2002-0183624-A1	12-05-2002	Rowe, et al.	
	A2	US-3,508,830	04-28-1970	Hopkins et al.	
	A3	US-3,910,701	10-07-1975	Henderson et al.	
	A4	US-4,035,083	07-12-1977	Woodriff et al.	
	A5	US-4,142,797	03-06-1979	Astheimer	
	A6	US-4,169,676	10-02-1979	Kaiser	
	A7	US-4,260,220	04-07-1981	Whitehead	
	A8	US-4,427,889	01-24-1984	Muller	
	A9	US-4,537,484	08-27-1985	Fowler	
	A10	US-4,598,715	07-08-1986	Machler et al.	
	A11	US-4,653,880	03-31-1987	Sting et al.	
	A12	US-4,654,530	03-31-1987	Dybwad	
	A13	US-4,655,225	04-07-1987	Dahne et al.	
	A14	US-4,656,562	04-07-1987	Sugino	
	A15	US-4,657,397	04-14-1987	Oehler et al.	
	A16	US-4,661,706	04-28-1987	Messerschmidt et al.	
	A17	US-4,684,255	08-04-1987	Ford	
	A18	US-4,712,912	12-15-1987	Messerschmidt	
	A19	US-4,730,882	03-15-1988	Messerschmidt	
	A20	US-4,787,013	11-22-1988	Sugino et al.	
	A21	US-4,787,708	11-29-1988	Whitehead	
	A22	US-4,830,496	05-16-1989	Young	
	A23	US-4,853,542	08-01-1989	Milosevic et al.	
	A24	US-4,857,735	08-15-1985	Noller	
	A25	US-4,859,064	08-22-1989	Messerschmidt et al.	
	A26	US-4,866,644	09-12-1989	Shenk et al.	
	A27	US-4,867,557	09-19-1989	Takatani et al.	
	A28	US-4,882,492	11-21-1989	Schlager	
	A29	US-4,883,953	11-28-1989	Koashi et al.	
	A30	US-4,944,021	07-24-1990	Hoshino, et al.	
	A31	US-4,975,581	12-04-1990	Robinson et al.	
	A32	US-5,015,100	05-14-1991	Doyle	
	A33	US-5,019,715	05-28-1991	Sting et al.	
	A34	US-5,028,787	07-02-1991	Rosenthal et al.	

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Page

2

of

9

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First Named Inventor

Rowe, Robert K., et. al.

Art Unit

Examiner Name

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Attorney Docket Number

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	A35	US-5,051,602	09-24-1991	Sting et al.	
	A36	US-5,068,536	11-26-1991	Rosenthal	
	A37	US-5,070,874	12-10-1991	Barnes et al.	
	A38	US-5,158,082	10-27-1992	Jones	
	A39	US-5,163,094	11-10-1992	Prokoski, et al.	
	A40	US-5,178,142	01-12-1993	Harjunmaa et al.	
	A41	US-5,179,951	01-19-1993	Knudson	
	A42	US-5,204,532	04-20-1993	Rosenthal	
	A43	US-5,222,495	06-29-1993	Clarke et al.	
	A44	US-5,222,496	06-29-1993	Clarke et al.	
	A45	US-5,223,715	06-29-1993	Taylor	
	A46	US-5,225,678	07-06-1993	Messerschmidt	
	A47	US-5,230,702	07-27-1993	Lindsay et al.	
	A48	US-5,237,178	08-17-1993	Rosenthal et al.	
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	A50	US-5,257,086	10-26-1993	Fateley, et al.	
	A51	US-5,267,152	11-30-1993	Yang et al.	
	A52	US-5,268,749	12-07-1993	Weber et al.	
	A53	US-5,291,560	10-26-1993	Daugman	
	A54	US-5,299,570	04-05-1994	Hatschek	
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	A56	US-5,311,021	05-10-1994	Messerschmidt	
	A57	US-5,313,941	05-24-1994	Braig et al.	
	A58	US-5,321,265	06-14-1994	Block	
	A59	US-5,331,958	07-26-1994	Oppenheimer	
	A60	US-5,348,003	09-20-1994	Caro	
	A61	US-5,351,686	10-04-1994	Steuer et al.	
	A62	US-5,355,880	10-18-1994	Thomas et al.	
	A63	US-5,360,004	11-01-1994	Purdy et al.	
	A64	US-5,361,758	11-08-1994	Hall et al.	
	A65	US-5,366,903	11-22-1994	Lundsgaard et al.	
	A66	US-5,372,135	12-13-1994	Mendelson et al.	
	A67	US-5,379,764	01-10-1995	Barnes et al.	
	A68	US-5,402,778	04-04-1995	Chance	

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Page

3

of

9

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	A69	US-5,405,315	04-11-1995	Khuri et al.	
	A70	US-5,419,321	05-30-1995	Evans	
	A71	US-5,435,309	07-25-1995	Thomas et al.	
	A72	US-5,441,053	08-15-1995	Lodder et al.	
	A73	US-5,452,723	09-26-1995	Wu et al.	
	A74	US-5,459,317	10-17-1995	Small et al.	
	A75	US-5,459,677	10-17-1995	Kowalski et al.	
	A76	US-5,460,177	10-24-1995	Purdy et al.	
	A77	US-5,483,335	01-09-1996	Tobias	
	A78	US-5,494,032	02-27-1996	Robinson et al.	
	A79	US-5,505,726	04-09-1996	Meserol	
	A80	US-5,507,723	04-16-1996	Keshaviah	
	A81	US-5,515,847	05-14-1996	Braig et al.	
	A82	US-5,518,623	05-21-1996	Keshaviah et al.	
	A83	US-5,523,054	06-04-1996	Switalski et al.	
	A84	US-5,533,509	07-09-1996	Koashi et al.	
	A85	US-5,537,208	07-16-1996	Bertram et al.	
	A86	US-5,539,207	07-23-1996	Wong, et al.	
	A87	US-5,552,997	09-03-1996	Massart	
	A88	US-5,559,504	09-24-1996	Isumi, et al.	
	A89	US-5,596,992	01-28-1997	Haaland et al.	
	A90	US-5,606,164	02-25-1997	Price et al.	
	A91	US-5,630,413	05-20-1997	Thomas et al.	
	A92	US-5,636,633	06-10-1997	Messerschmidt et al.	
	A93	US-5,655,530	08-12-1997	Messerschmidt	
	A94	US-5,672,864	09-30-1997	Kaplan	
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	A96	US-5,677,762	10-14-1997	Ortyn et al.	
	A97	US-5,681,273	10-28-1997	Brown	
	A98	US-5,708,593	01-13-1998	Saby et al.	
	A99	US-5,719,950	02-17-1998	Osten et al.	
	A100	US-5,724,268	03-03-1998	Sodickson et al.	
	A101	US-5,737,439	08-07-1998	Lapsley, et al.	
	A102	US-5,743,262	04-28-1998	Lepper, Jr. et al.	

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Page

4

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9

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	A103	US-5,747,806	05-05-1998	Khalil	
	A104	US-5,750,994	05-12-1998	Schlager	
	A105	US-5,751,835	05-12-1998	Topping, et al.	
	A106	US-5,761,330	06-02-1998	Stoianov, et al.	
	A107	US-5,782,755	07-21-1998	Chance et al.	
	A108	US-5,792,050	08-11-1998	Alam et al.	
	A109	US-5,792,053	08-11-1998	Skladner et al.	
	A110	US-5,793,881	08-11-1998	Stiver, et al.	
	A111	US-5,808,739	09-15-1998	Turner et al.	
	A112	US-5,818,048	10-06-1998	Sodickson et al.	
	A113	US-5,823,951	10-20-1998	Messerschmidt et al.	
	A114	US-5,828,066	10-27-1998	Messerschmidt	
	A115	US-5,830,132	11-03-1998	Robinson	
	A116	US-5,830,133	11-03-1998	Osten et al.	
	A117	US-5,850,623	12-15-1998	Carman, Jr. et al.	
	A118	US-5,853,370	12-29-1998	Chance et al.	
	A119	US-5,857,462	01-12-1999	Thomas et al.	
	A120	US-5,860,421	01-19-1999	Eppstein et al.	
	A121	US-5,867,265	02-02-1999	Thomas, Gordon Albert	
	A122	US-5,886,347	03-23-1999	Inoue et al.	
	A123	US-5,902,033	05-11-1999	Levis et al.	
	A124	US-5,914,780	06-22-1999	Turner et al.	
	A125	US-5,933,792	08-03-1999	Anderson et al.	
	A126	US-5,935,062	08-10-1999	Messerschmidt et al.	
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	A129	US-5,957,841	09-28-1999	Maruo et al.	
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	A131	US-5,963,319	10-05-1999	Jarvis et al.	
	A132	US-5,987,346	11-16-1999	Benaron, et al.	
	A133	US-5,999,637	12-07-1999	Toyoda, et al.	
	A134	US-6,005,722	12-21-1999	Butterworth et al.	
	A135	US-6,016,435	01-18-2000	Maruo et al.	
	A136	US-6,025,597	02-15-2000	Sterling et al.	

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Page

5

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	A137	US-6,026,314	02-15-2000	Amerov et al.	
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Page

6

of

9

Complete if Known

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Filing Date	September 12, 2003
First Named Inventor	Rowe, Robert K., et. al.
Art Unit	
Examiner Name	Not yet known
Attorney Docket Number	020204-001410US

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